

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) No. 05-03095-01-CR-S-RED
)
)
ROBERT LEE CAVINS, JR.,)
)
)
Defendant.)

**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On March 3, 2006, the Honorable Richard E. Dorr, United States District Judge, entered an Order adopting the Report and Recommendations of the United States Magistrate Judge (Doc. 40). Thereafter, on March 29, 2006, the defendant filed what he refers to as an Affidavit of Researched Evidence (Doc. 41). The United States filed a response to the affidavit (Doc. 42), and the defendant, thereafter, filed a Motion to Dismiss his case (Doc. 43). As grounds for this motion, the defendant challenges the adequacy of the response of the United States to the questions raised in his affidavit. The affidavit consists of approximately 50 pages. A random selection of the questions asked in the affidavit reveals the following: Is the United States a corporation? Is the United States a country? Am I being considered an alien enemy in this proceeding? Did the filing of my birth certificate to the Department of Commerce give any entity title to me and change my status as an American citizen? Several true and false questions are posed of the same general nature. One of the true and false questions posed is: The omission of the Christian name by either plaintiff or defendant in a legal process prevents the court from acquiring jurisdiction.

The Court, in its previous order, has decided the jurisdictional questions raised by the defendant. The defendant has raised no new suggestions or legal basis for dismissal of his case. It is therefore

RECOMMENDED that the defendant's Motion to Dismiss be denied.

/s/ James C. England
**JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE**

Date: August 9, 2006